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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,796	01/22/2002	Harry L. Tarnoff	ZOUS.A.001A	7433
7590		02/01/2007	EXAMINER	
Harry Tarnoff 4025 Oakfield Drive Sherman Oaks, CA 91423			HALIM, SAHERA	
			ART UNIT	PAPER NUMBER
			2157	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	02/01/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/055,796	TARNOFF, HARRY L.	
	Examiner Sahera Halim	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to communication filled on September 14, 2005.
2. Claims 7-11 have been added.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Umbreit, U.S Pat. No. 6,704,787 (hereinafter Umbreit).

5. Umbreit teaches a system adapted for installation on the platform of the existing website for both limiting and expanding content sent to a client over said network connected to said website comprising (abstract):

a node registration database configured to store the location of plural nodes of said network (col. 2, lines 36 –39 and Fig. 1, numeral 20, Umbreit teaches content providers that are members of a group of affiliated content provider),

a rules database configured to store rules regarding content to be sent to clients by said website (col. 4, line 21 – 31, Umbreit discloses the user inputting information

and a database containing user information accessed by the access code and the access code is used to permit and limit access to content); and

a content validator configured to automatically review said content before said content is transmitted to the client (abstract, Umbreit teaches before the content is sent, the demographics of the user is verified based on which content is distributed), and

controlling access by a client to said content validity in accordance with the decision of said content validity (abstract, Umbreit teaches based on the demographics of user, content is customized or user is restricted access to portions of content).

6. Regarding claim 2, Umbreit teaches the system of Claim 1, wherein this rules stored in said rules database include one or more of the following:

Only allow access from particular nodes, Only provide access during certain hours of the day, Only allow access from registered users using a security key (abstract user with the code are allowed access to certain content based on their demographics)
Only allow access from within a particular geographic region (col. 5, lines 53 – 59)
Only allow access with the receipt of payment or credit approval Transmit notification, if any, to a particular node at only certain intervals (see col. 6, lines 31 – 57).

7. Claims 3-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Li et al., U.S Pat. No. 6,631,496 (hereinafter Li).

8. Reference to claim 3, Li teaches a system for automatically updating a plurality of search engines in a network with content changes in a site included in said network comprising (abstract):

a RevBot installed at said site, said RevBot comprising (col. 14, lines 11 – 34):
parser means responsive to incoming requests from said search engines in said network ; node registration (col. 1, line 58 – 65, list of bookmarks) means coupled to said parser means for storing a list of node network locations of said search engines (col. 14, line 12 – 29) , and means responsive to said parser means and said node registration means for automatically transmitting said content changes to said search engines (col. 14, lines 12 – 29).

9. As to claim 4, Li teaches A RevBot for automatically controlling access to a website, said RevBot adapted for installation on the platform of an existing website, said RevBot comprising (abstract):

a parser coupled to the network in which said website is installed; a rules file, a rules applier coupled to said rules file, a content validator (col. 13, lines 13 – 47); and an access control and deny module responsively coupled to said rules applier, and operatively and responsively coupled to said website and to said content validator (col. 13, line 60 – col. 14, line 10).

10. Reference to claim 5, Li teaches a RevBot for automatically updating information and content at network nodes hosting search engine databases, said RevBot comprising (abstract):

a parser coupled to the network in which website is installed (col. 14, line 1 – 11), a notification module responsively coupled to said parser (col. 14, line 11 – 39); and a node registration module coupled to said notification module so that nodes registered in said node registration module will be automatically sent content update notifications (col. 14, line 11 – 67).

11. Reference to claim 6, Li teaches a system adapted for installation on the platform of an existing network site, the method of automatically assisting search engines connected to said network, comprising the computer-implemented steps of (abstract): storing the location of plural search engine nodes of said network (col. 1, line 58 – 65, list of bookmarks); storing rules regarding content to be sent to said search engine nodes (col. 5, line 55 – 60, user sets refreshing intervals); and automatically transmitting content changes to said search engines over said network to update said search engines (col. 5, line 68 – col. 6, line).

12. Reference to claim 7, Li teaches a system adapted for installation on a platform of an existing website for detecting a platform-related event, notification of which is sent to a client over a network connected to said website comprising: a node registration database configured to store the locations of plural nodes of said network (col. 1, line 58

– 65, list of bookmarks), a rules database configured to store rules regarding the content of notifications to be sent to clients by said website (col. 14, lines 12 – 29 and col. 13, line 57- 64).

13. As to claim 7 „Li teaches wherein said event is a content change (col. 13, line 57 – 64).

14. Reference to claim 9, Li teaches a system for automatically notifying a plurality of databases on a network about events on a site included in said network comprising: a RevBot installed at said site, said RevBot comprising: logic to detect the occurrences of said events; node registrations means couple to said parser means for storing a list of node network locations of said databases (col. 1, line 58 – 65, list of bookmarks); and means responsive to said detection means and said node registration means for automatically transmitting notification about said event to said databases (col. 14, line 12 – 29).

15. Regarding claim 10, Li teaches wherein said events include content changes (col. 13, line 57 – 64)

16. Reference to claim 11, Li teaches the system of claim 10 wherein said databases include search engines (col. 14, line 12 – 29)

Response to Arguments

17. Applicant's arguments filed September 14, 2005 have been fully considered but they are not persuasive.

18. In regards to claims 1-2, applicant argues that the reference fails to teach the limitation of "adapted for installation on a platform of an existing website". In response to applicant's arguments, the recitation "adapted for installation on a platform of an existing website" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., present invention operates between the content provider's sites and search engines, pushes content between them and it does not interact directly with search user, present invention utilizes a nodally distributed registration database containing network locations based on URL and IP addresses, present invention discloses access control and deny logic used in conjunction with a flexible rules applier and mathematics-based scores to grant or deny access to content on a provider's node based on wide-

ranging sets of criteria, present invention improves the organizational quality of information and content and increases the speed and reliability of communication and therefore also the reliability and performance of network services) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

19. In response to applicant's argument that the references fail to show certain features of applicant's invention in claims 3-6, it is noted that the features upon which applicant relies (i.e., present invention bridges existing content providers with established search engines, present invention does not require the storing or caching of content, present invention is designed around reliably pushing content between network nodes, present invention employs a flexible and powerful combination of logic, application of rules and scoring based on mathematics, present invention teaches active logic on the same computing platform as that for a website that immediately detects site events such as content changes as they occur, the present invention teaches how content changes and accesses are denied, modified and enhanced and the present invention's communications feedback loop ensures reliable delivery of notifications) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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20. In regards to claim 3, it is argued that the reference fails to teach "parser means responsive to incoming request for content updates". Li teaches "parser means responsive to incoming requests for content" (See Fig. 1, element 104 and col. 4, line 21 – col. 5, line 14).

21. In regards to claim 4, the applicant argues that the reference fails to teach limitations if "a parser coupled to the network in which said website is installed, a rules file, a rules applier coupled to said rules file, and content validator. Li teaches the claimed limitations of claim 4. Li teaches a parser coupled to the network in which said website is installed (see fig. 1, element 109, 101), a rules file (Fig. 5, elements 17, 18, and 19; where user may input rules to download content from webpages), a rules applier coupled to said rules file (col. 8, line 42 – 60, the classifier also validates whether the rules apply or not), and content validator (col. 7, line 64 – col. 8, line 5, a classifier is used to determine whether content should be presented to user or not).

22. In reference to claim 5, the applicant argues that the reference fails to teach "a node registration module coupled to said notification module so that nodes registered in said node registration module will be automatically sent content update notifications". The above limitations are thought by Li (see col. 2, line 58 – col. 3, line 7 and col. 13, line 57- 64).

23. In regards to claim 6, the applicant argues that the limitations of "storing rules regarding content to be sent to said search engine nodes" or automatically transmitting content changes to said search engines over said network to update said search engines". The examiner asserts that Li teaches storing rules regarding content to be sent to said search engine nodes (see fig. 2, col. 7 , line 54 – col. 8, line 4) and automatically transmitting content changes to said search engines over said network to update said search engines (see col. 2, line 58 – col. 3, line 7 and col. 13, line 57- 64).

The claims define elements such as rules applier, access control, rules file and so on. However, the claims do not identify or explain how these elements interact to perform the functionalities described in arguments pages 1-16. Examiner may broadly interpret these elements at least as explained above since the claim language dose not define the functionality of each element in the claim.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (571) 272-4003. The examiner can normally be reached on M-F from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sahera Halim
Patent Examiner
AU: 2157

November 28, 2005


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